

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID HYLKO, JR.,

Plaintiff,

Case No. 15-12680

v.

Hon. John Corbett O'Meara

JOHN HEMPHILL and  
U.S. STEEL CORPORATION,

Defendants.

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**ORDER OF PARTIAL DISMISSAL**

Before the court is Plaintiff's complaint, which alleges the following causes of action: Count I, violation of Title VII; Count II, violation of the Elliott-Larsen Civil Rights Act; Count III, assault; Count IV, battery; and Count V, intentional infliction of emotional distress.

Although Count I is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion and because the state claims predominate. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994); Sanford v. Detroit Pub. Schs., 2014 WL 1922722 (E.D. Mich. 2014) ("Mixing federal-law claims with supplemental state-

law claims can cause procedural and substantive problems; in the interest of judicial economy and convenience, these problems should be avoided.”).

Accordingly, IT IS HEREBY ORDERED that Counts II through V of Plaintiff’s complaint are DISMISSED WITHOUT PREJUDICE.

s/John Corbett O’Meara  
United States District Judge

Date: September 24, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, September 24, 2015, using the ECF system.

s/William Barkholz  
Case Manager